

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL NO. 3:09-cr-96(DCB)(LRA)

PEDRO DEWAYNE PHILLIPS

ORDER

This cause is before the Court on the defendant Pedro Dewayne Phillips' motion to file "Motion for Consideration of Further Downward Departure" under seal (**docket entry 88**). Having carefully considered the defendant's motion, the Court finds that a response by the government is necessary. The defendant's motion to file under seal indicates that he has forwarded a copy of his "Motion for Consideration of Further Downward Departure," which he proposes to file under seal, to the government. The government shall therefore file its response to the motion to file under seal, before proceeding further on the underlying motion, within ten (10) days from the date of entry of this Order. Said response by the government shall be filed under seal without prejudice to any application to unseal the response.

The Court notes that the document which the clerk filed as a motion to file under seal does not contain any reasons to file the underlying motion under seal; however, the underlying motion itself contains facts which could be construed as proffered reasons to file the motion under seal, and these should be addressed by the

government. Accordingly,

IT IS HEREBY ORDERED that the government file a response to the defendant Pedro Dewayne Phillips' motion to file "Motion for Consideration of Further Downward Departure" under seal (**docket entry 88**) within ten (10) days from the date of entry of this Order.

SO ORDERED, this the 21st day of January, 2011.

/s/ David Bramlette  
UNITED STATES DISTRICT JUDGE